

No. R-126. House concurrent resolution recognizing the centennial anniversary of the Vermont Workers' Compensation Act.

(H.C.R.90)

Offered by: Representatives Botzow of Pownal, Marcotte of Coventry, Kitzmiller of Montpelier, Baser of Bristol, Carr of Brandon, Dakin of Colchester, O'Sullivan of Burlington, Parent of St. Albans City, Scheuermann of Stowe, Sibia of Dover, and Stuart of Brattleboro

Offered by: Senators Sirotkin, Baruth, MacDonald, and Mullin

Whereas, at the turn of the 20th century, the impact of work-related injuries was of great concern to labor and management, and

Whereas, other states had begun to adopt a Workers' Compensation system to address these difficulties, and

Whereas, in 1910, the Senate proposed to amend the Vermont Constitution to grant the General Assembly the authority "to pass laws compelling compensation for injuries received by employees in the course of their employment" that became effective in 1913 as Article 35 (Vt. Const. Ch. II, § 70), and

Whereas, in 1915, through a grand compromise between labor and management, a no fault insurance program of Workers' Compensation, 1915 Acts and Resolves No. 164 (the Act), was adopted, giving workers access to prompt medical attention and wage replacement for their work-related injuries, and, in exchange, employers were granted immunity from personal injury civil lawsuits, and

Whereas, the Act eliminated three common law barriers (fellow workman's rule, the doctrine of implied risk, and contributory negligence) to the ability of injured employees to receive prompt payment for their work-related injuries, and

Whereas, in exchange, for prompt payment without proof of negligence, employers avoided the expense of paying attorney's fees to defend personal injury lawsuits, and

Whereas, over the past 100 years, thousands of injured workers have received, pursuant to the Vermont Workers' Compensation Act, help in treating their injuries and assistance in returning to regular gainful employment, and

Whereas, the Act has evolved over the past century to reflect the changing nature of work in Vermont, and

Whereas, 2015 is the centennial anniversary of the Act, and this legal milestone will be recognized in the *Vermont Bar Journal*, outreach to local schools, and a celebratory event in Montpelier on September 15, 2015, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly recognizes the centennial anniversary of the Vermont Workers' Compensation Act, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Commissioner of Labor Annie Noonan, to the Vermont State Labor Council, the AFL-CIO, and to the Associated Industries of Vermont.